

Town of Spencer
Annual Town Meeting
May 3, 2013
Memorial Town Hall

The Meeting was called to order at 7:25 p.m. p.m. by Moderator, Peter J. Adams following the announcement of a quorum by the Chair of the Board of Registrars, Eleanor O'Connor.

The Moderator made note of the procedures to be used during the meeting and made reference to Brigadier General Martyn Robert whose resolution to standardize the conduction of public meetings resulted in the widely used "Roberts Rules" handbook.

The Reading of the Return of the Warrant was waived. The meeting was posted in accordance with the law. A moment of silence was observed in honor of those residents who had passed away in the past year and for those who experienced the recent tragedies in Boston and Texas.

The National Anthem was sung by Sandra Fritze.

The Moderator thanked Mr. Richard Lapierre for supplying the sound system.

The Moderator introduced himself, the Board of Selectmen, Town Administrator, Town Counsel and Town Clerk. Mary Braney, Chair of the Finance Committee, introduced those members of the Committee present.

The following articles were acted upon:

ARTICLE 1

The Moderator declared a majority vote that the Town amend its Fiscal Year 2013 Operating Budget by appropriating the sum of Two Hundred Forty-Seven Thousand, Seven Hundred Fifty-Six Dollars and No Cents (\$247,756.00) to the following various accounts to cover additional expenses and further to transfer said sum from previously certified and available Free Cash to meet said appropriation:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Elections & Registrars Salaries & Wages	11162-51000	\$6,000.00
Town Hall Maintenance	11192-57000	\$10,000.00
Snow & Ice Salaries & Wages	11423-51000	\$20,000.00
Snow & Ice Expenses	11423-57000	\$176,000.00
Veterans Benefits Expenses	11543-57000	\$30,000.00
Parks & Recreation Salaries & Wages	11640-51000	<u>\$5,756.00</u>
Total		\$247,756.00

ARTICLE 2

The Moderator declared a majority vote that the Town amend its Fiscal Year 2013 Operating Budget by appropriating the sum of Four Thousand, One Hundred Forty-Five Dollars and Thirty-Three Cents (\$4,145.33) to the Police Department Expense Account (11210-57000) to cover additional expenses and further to transfer the sum of One Thousand, One Hundred Seventy Dollars and Thirty-Three Cents (\$1,170.33) from the Police Cruiser Account (60000-59190) and Two Thousand, Nine Hundred Seventy-Five Dollars and No Cents (\$2,975.00) from the Police Cruiser Account (60000-59217) to meet said appropriation.

ARTICLE 3

The Moderator declared a majority vote that the Town transfer the sum of Three Thousand Dollars and No Cents (\$3,000.00) from the FY2013 Town Clerk Expenses Account (11161-57000) to the FY2013 Elections & Registrars Account (11162-57000).

ARTICLE 4

The Moderator declared a majority vote that the Town approve as a block the following actions:

- A. Receive, in writing, the reports of the Town Officers and Committees.
- B. Authorize the Planning Board to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws for the following purposes and subject to the following conditions:
 - 1. to be the depository for monies received from ANR Fees and Subdivision Fees;
 - 2. to fund the administrative costs of the Planning Board;
 - 3. to have limit on the total amount to be expended from the fund in Fiscal Year 2014 at Five Thousand Dollars and No Cents (\$5,000.00); and
 - 4. to have the Planning Board be the only authority empowered to expend monies from this fund.
- C. Authorize the establishment of a revolving fund for the Sugden Block in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
 - 1. to be the depository for receipts of rentals and charges from the Sugden Block;
 - 2. to pay expenses associated with the operation of the Sugden Block;
 - 3. to have a limit on the total amount to be expended from the fund in Fiscal Year 2014 at Seventy-Six Thousand, Eight Hundred Ninety Dollars and No Cents (\$76,890.00); and
 - 4. to have the Town Administrator be the only authority empowered to expend monies from this fund.
- D. Authorize the Office of Development and Inspectional Services (ODIS) to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:
 - 1. to be depository for 80% of the fees collected for electrical permits;
 - 2. to compensate the Wiring Inspector;
 - 3. to have a limit on the total amount to be expended from the fund in Fiscal Year 2014 at Twenty-Five Thousand Dollars and No Cents (\$25,000.00); and

4.to have the Director of the Office, subject to the approval of the Town Administrator, be the only authority empowered to expend monies from this fund.

- E. Authorize the Parks and Recreation Commission to establish a revolving fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1.to be the depository for monies received for park rentals, sticker fees, and fees charged for program offerings;

2.to be used to fund the costs of part-time personnel, utilities, supplies, and expenses related to program offerings;

3.to have a limit on the total amount to be expended from the fund in Fiscal Year 2014 at Ninety Thousand Dollars and No Cents (\$90,000.00); and

4.to have the Parks and Recreation Commission be the only authority empowered to expend monies from this fund.

- F. Authorize the Board of Selectmen to establish a Celebrations Revolving Fund in conformity with Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for the following purposes and subject to the following conditions:

1.to be the depository for donations, gifts and fees collected for community celebrations, including, but not limited to, the Fourth of July (Independence Day), Halloween, and Christmas;

2.to have a limit on the total amount to be expended from the fund in Fiscal Year 2014 at Thirty Thousand Dollars and No Cents (\$30,000.00); and

3.to have the Town Administrator, subject to the approval of the Board of Selectmen, be the only authority empowered to expend monies from this fund.

- G. Appropriate the sum of money received or to be received from the Chapter 90 State Aid to Highways Program to be expended for construction and/or maintenance upon any state approved road, or for any other authorized purpose, for Fiscal Year 2014, with such funds to be reimbursed 100% from such Program.

- H. Authorize the Board of Selectmen to apply for, accept, and expend the following funds:

Community Development Block Grant funds;

Community Innovation Challenge Grant funds;

District Local Technical Assistance Grant funds; and

Other State and Federal grant-in-aid assistance, as appropriate and necessary.

- I. Appropriate the sum of 100% of all fines, penalties, and assessments received in Fiscal Year 2014 as payment under the provisions of Massachusetts General Laws, Chapter 148A, as amended by Chapter 304 of the Acts of 2004, to an account entitled “Building and Fire Code Enforcement Fines.”
- J. Appropriate the sum of 50% of all monies received in Fiscal Year 2014 as payment for the so-called “products,” “conveyance,” “roll-back” or other such tax or payment, other than real estate taxes and related payments-in-lieu-of-taxes, under the provisions of Massachusetts General Laws, Chapter(s) 61, 61A, and 61B to the Land Acquisition Stabilization Fund and the sum of 100% of all monies received from the Commonwealth of Massachusetts as payments from the Forest Products Trust Fund to the Land Acquisition Stabilization Fund.
- K. Authorize the Town Treasurer/Collector to enter into a compensating balance agreement(s) for Fiscal Year 2014 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, and further vote to authorize the Town Treasurer/Collector to borrow such sums of money as he/she may deem necessary, with the consent of the Finance Committee, in anticipation of revenue and/or reimbursements and to issue notes of the Town payable thereof in accordance with applicable law.
- L. Authorize the Board of Selectmen, in conformance with Section 11(m) of the Spencer Governmental Act and MGL c. 40, Section 4, to enter into and negotiate the terms thereof, all contracts for the exercise of its corporate powers.

ARTICLE 5

The Moderator declared a majority vote that the Town as a block, provided that any amount stated herein shall be for the use of the Spencer-East Brookfield Regional School District for Fiscal Year 2014 in accordance with any conditions stated herein and further provided that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, to:

- 1. raise and appropriate the sum of Five Million, Six Hundred Eighteen Thousand, Five Hundred Forty-One Dollars and No Cents (\$5,618,541.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Minimum Local Contribution;
- 2. raise and appropriate the sum of One Million, Sixty-One Thousand, Five Hundred Sixty-Four Dollars and No Cents (\$1,061,564.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Transportation; and
- 3. raise and appropriate the sum of Three Hundred Four Thousand, Five Hundred Ninety Four Dollars and No Cents (\$304,594.00) for the purposes of paying the costs of Debt

Service and Capital Assessments Account #11300-56010 for previously approved building and design projects.

4.

ARTICLE 6

The Moderator declared a majority vote defeating the motion that the Town, provided that any amount stated herein shall be for the use of the Spencer-East Brookfield Regional School District for Fiscal Year 2014 in accordance with any conditions stated herein and further provided that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, to:

1. raise and appropriate the sum of Two Million, Two Hundred Sixty-One Thousand, Two Hundred Twelve Dollars and No Cents (\$2,261,212.00) for the Operating Assessment Account #11300-56000 which represents the amount required for Additional Local Assessment, provided however that said appropriation is contingent upon an election approval for a so called Proposition 2 ½ Override referendum question at the Town Election of May 14, 2013;

ARTICLE 7

The Moderator declared a majority vote that the Town, as a block, fix or maintain the salaries of the elected officials for Fiscal Year 2013 as follows:

Board of Selectmen	\$	0.00	Yearly
Moderator	\$	160.00	Yearly
Board of Assessors	\$	950.00	Yearly
Town Treasurer/Collector	\$	63,573.00	Yearly
Town Clerk	\$	61,382.00	Yearly
Water Commissioners	\$	725.00	Yearly
Sewer Commissioners	\$	725.00	Yearly
Board of Health	\$	725.00	Yearly

ARTICLE 8

The Moderator declared a majority vote that the Town, as a block, to amend the Personnel Bylaws by substituting the following new compensation schedule, Section 2-Schedules B, C, and D:

(Informational Note: These rates all generally go up 1.8%)

Schedule B

	I	II	III	IV	V
Compensation Grade S-2	\$379.64	\$393.48	\$423.67	\$454.00	\$484.23
Compensation Grade S-3	\$423.67	\$454.00	\$484.23	\$514.50	\$546.24
Compensation Grade S-4	\$484.23	\$514.50	\$546.24	\$575.07	\$605.27
Compensation Grade S-5	\$546.24	\$575.07	\$605.27	\$635.65	\$665.76
Compensation Grade S-6	\$605.27	\$635.65	\$665.76	\$695.24	\$741.52
Compensation Grade S-7	\$665.76	\$695.24	\$741.52	\$786.87	\$832.33
Compensation Grade S-8	\$741.52	\$786.87	\$832.33	\$877.74	\$923.16
Compensation Grade S-9	\$832.33	\$877.74	\$923.16	\$964.30	\$1,021.80
Compensation Grade S-9A	\$877.73	\$924.37	\$967.91	\$1,021.80	\$1,079.96
Compensation Grade S-10	\$923.16	\$964.30	\$1,021.80	\$1,077.90	\$1,137.19
Compensation Grade S-10A	\$975.92	\$1,019.48	\$1,080.06	\$1,139.40	\$1,202.05
Compensation Grade S-11	\$1,021.80	\$1,077.90	\$1,137.19	\$1,199.74	\$1,266.48
Compensation Grade S-12	\$1,137.19	\$1,199.74	\$1,266.48	\$1,309.69	\$1,408.74
Compensation Grade S-13	\$1,266.48	\$1,309.69	\$1,408.74	\$1,486.21	\$1,568.69
Compensation Grade S-14	\$1,408.74	\$1,486.21	\$1,568.69	\$1,654.97	\$1,746.83

Schedule C

Administrative Intern / Co-op Student	\$9.05	hourly
Animal Control & Inspection Officer	\$12,335.00	yearly
Animal Control & Inspection Officer-Alternate	\$672.50	yearly
COA Director	\$17.72	hourly
Election Inspectors	\$10.22	hourly
Election Wardens / Clerks	\$11.28	hourly
Engineering Aide	\$11.25	hourly
Facilities Maintenance Worker	\$12.00	hourly
Finance Committee Clerk	\$389.00	yearly
Fluoride Coordinator	\$12.00	hourly
Gas Inspector	\$3,772.00	yearly
Laborer (Seasonal/Intermittent)	\$11.25	hourly
Library Childhood Literacy Coordinator	\$106.85	weekly
Library Page	\$9.05	hourly
Light Equipment Operator (LEO) - Seasonal	\$17.35	hourly
Parks & Rec Adven. Prog. Director	\$17.13	hourly
Parks & Rec Adven. Prog. Head Counselor	\$12.29	hourly
Parks & Rec Adven. Prog. Counselor	\$10.11	hourly
Parks & Rec Waterfront Director	\$15.60	hourly
Parks & Rec Water Safety Instructor	\$13.95	hourly
Parks & Rec Lifeguard	\$12.30	hourly
Parks & Rec Parking Attendant	\$8.75	hourly
Parks & Rec Chair	\$400.00	yearly

Parks & Rec Clerk	\$400.00	yearly
Planning Board	\$1,027.00	yearly
Planning Board - Alternate	\$483.00	yearly
Plumbing Inspector	\$5,087.00	yearly
Police Dispatcher	\$15.27	hourly
Registrars	\$1,228.00	yearly
Sealer of Weights & Measures	\$4,230.00	yearly
SEMA, Director of Operations	\$2,208.00	yearly
SFD Deputy Chief	\$8,578.00	yearly
SFD Captain	\$18.04	hourly
SFD Lieutenant	\$16.71	hourly
SFD Fire Science Instructor	\$19.64	hourly
SFD Firefighter (over 10 years)	\$15.27	hourly
SFD Firefighter (5-10 years)	\$13.89	hourly
SFD Firefighter (under 5 years)	\$12.56	hourly
SFD Firefighter (sub)	\$9.42	hourly
SFD Truck Engineer Back Line	\$432.10	yearly
SFD Truck Engineer Front Line	\$574.72	yearly
Tree Climber	\$18.73	hourly
Tree Groundman	\$16.13	hourly
Tree Warden	\$22.00	hourly
Veteran Agent	\$18.75	hourly
Zoning Board of Appeals	\$1,027.00	yearly
Zoning Board of Appeals - Alternate	\$483.00	yearly

Schedule D

	I	II	III	IV	V
Compensation Grade H-1	\$9.14	\$9.73	\$10.36	\$11.00	\$11.78
Compensation Grade H-2	\$10.36	\$11.00	\$11.78	\$12.78	\$13.52
Compensation Grade H-3	\$11.78	\$12.78	\$13.52	\$14.47	\$15.15
Compensation Grade H-4	\$13.52	\$14.47	\$15.15	\$16.19	\$16.90
Compensation Grade H-5	\$15.15	\$16.19	\$16.90	\$17.86	\$18.65
Compensation Grade H-6	\$16.90	\$17.86	\$18.65	\$19.58	\$20.87
Compensation Grade H-7	\$18.65	\$19.58	\$20.87	\$22.01	\$23.24
Compensation Grade H-8	\$20.87	\$21.91	\$23.01	\$24.17	\$25.37
Compensation Grade H-9	\$23.01	\$24.17	\$25.37	\$26.62	\$27.96
Compensation Grade H-10	\$25.37	\$26.62	\$27.96	\$29.36	\$30.81
Compensation Grade H-11	\$27.96	\$29.35	\$30.81	\$32.36	\$33.99
Compensation Grade H-12	\$30.81	\$32.36	\$33.99	\$35.67	\$37.46

ARTICLE 9

The Moderator declared a majority vote that the Town amend Section 3, Benefits and Leaves, paragraph R, “Pension Health and Life Insurance” of the Personnel Bylaw so that it reads as follows:

Pension, Health, Dental, and Life Insurance

“The Town maintains plans for retirement, health, dental, and life insurance, if any. As of July 1, 2013, eligible employees shall contribute 40% of the costs of health insurance, 40% of the costs of dental insurance, and 40% of the costs of life insurance. The Town shall offer a Section 125 Flexible Spending Account, so-called, for medical and dependent care, with a maximum limit of \$1,500, in which employees may participate. Also, as of July 1, 2013, for those employees who were enrolled in the municipal health insurance plan as of July 1, 2012, they shall receive an annual payment of \$3,225 if on the family plan and \$1,217 if on the individual plan as an offset for contributing an additional 15% in health insurance rate.”

ARTICLE 10

The Moderator declared a majority vote that the Town:

1. appropriate the sum of One Million, Three Hundred Thirty-Four Thousand, Three Hundred Fifty-Six Dollars and No Cents (\$1,334,356.00) for the use of the Water Department for Fiscal Year 2014, and to fund said appropriation with a transfer from the receipts and revenue of the Water Enterprise Fund collected by the Water Department for said Fiscal Year;
2. authorize Indirect Costs for Fiscal Year 2014 at One Hundred Twenty-Eight Thousand, Two Hundred Forty-Two Dollars and No Cents (\$128,242.00); and
3. have the Board of Water Commissioners set the Fiscal Year 2014 rates and fees to meet said appropriation and level of Indirect Costs;

ARTICLE 11

The Moderator declared a majority vote that the Town:

1. appropriate the sum of One Million, Seventy-Five Thousand, One Hundred Sixty Dollars and No Cents (\$1,075,160.00) for the use of the Sewer Department for Fiscal Year 2014, and to fund said appropriation with a transfer of Twelve Thousand, Three Hundred Ninety-Three Dollars and No Cents (\$12,393.00) from previously certified and available Retained Earnings of the Sewer Enterprise Fund, and the balance of said sum from the receipts and revenue of the Sewer Enterprise Fund collected by the Sewer Department for said Fiscal Year;

2. authorize Indirect Costs for Fiscal Year 2014 at One Hundred Forty-Three Thousand, Seventy-Two Dollars and No Cents (\$143,072.00); and
3. have the Board of Sewer Commissioners set the Fiscal Year 2014 rates and fees to meet said appropriation and level of Indirect Costs.

ARTICLE 12

The Moderator declared a majority vote that the Town raise and appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) to fund an Advanced Life Support Ambulance Services Contract to be effective July 1, 2013, provided however that said appropriation is contingent upon an election approval for a so called Proposition 2 ½ Override referendum question at the Town Election of May 14, 2013.

ARTICLE 13

The Moderator declared a majority vote that the Town raise and appropriate the sum of Eight Million, Three Hundred Twenty-Two Thousand, Five Hundred Thirty-One Dollars and No Cents (\$8,322,531.00) to pay for the operations of the General Government expenses for Fiscal Year 2014, and to meet said appropriation from a transfer of Sixty Thousand Dollars and No Cents (\$60,000.00) from the Overlay Surplus Account, a transfer of Ten Thousand Dollars and No Cents (\$10,000.00) from the Wetlands Protection Fund, from taxation, from available funds in the Treasury, and anticipated receipts as may be needed or decided necessary.

ARTICLE 14

The Moderator declared a majority vote that the Town raise and appropriate the sum of Seven Hundred Fifty-Nine Thousand, Nine Hundred Four Dollars and No Cents (\$759,904.00) for Fiscal Year 2014 for the following purposes:

Bay Path Vocational Regional Technical High School Operating Assessment

Account #11300-52000	\$630,111.00
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Bay Path Vocational Regional Technical High School Transportation Assessment

Account #11300-52000	\$53,151.00
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Bay Path Vocation Regional Technical High School “Buy In” Debt Assessment

Account #11300-52500	\$34,130.00
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Bay Path Vocation Regional Technical High School Capital Debt Assessment

Account #11300-52500	\$42,512.00
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ARTICLE 15

The Moderator declared a majority vote that the Town raise and appropriate the sum of Forty-Two Thousand, Eight Hundred Ninety Dollars and No Cents (\$42,890.00) for Fiscal Year 2014 for the following purposes:

Smith Regional Agricultural High School Non-resident Vocational Assessment

Account #11300-52000 \$20,390.00

Smith Regional Agricultural High School Non-resident Vocational Transportation

Account #11300-52100 \$22,500.00

ARTICLE 16

The Moderator declared a majority vote that the Town raise and appropriate the sum of Thirty-Five Thousand, Six Hundred Ninety Dollars and No Cents (\$35,690.00) for Fiscal Year 2014 for the following purposes:

Tantasqua Regional High School Non-resident Vocational Tuition Assessment

Account #11300-52000 \$20,390.00

Tantasqua Regional High School Non-resident Vocational Transportation

Account #11300-52100 \$15,300.00

ARTICLE 17

The Moderator declared a majority vote that the Town raise and appropriate the sum of Thirty-Two Thousand, Five Hundred Ninety-Four Dollars and No Cents (\$32,594.00) for Fiscal Year 2014 for the following purposes:

Norfolk County Regional Agricultural High School Non-resident Vocational Tuition Assessment

Account #11300-52000 \$22,594.00

Norfolk County Regional Agricultural High School Non-resident Vocational Transportation

Account #11300-52100 \$10,000.00

ARTICLE 18

The Moderator declared a majority vote that the Town appropriate the sum of Three Hundred Fifty-Seven Thousand, Nine Hundred Seventy-Five Dollars and Sixty Cents (\$357,975.60) for a capital program of equipment purchases and capital improvements, as generally illustrated below, and to meet said appropriation by transferring the following sums from the following accounts; Three Hundred Forty-One Thousand, Ten Dollars and Eighty-Nine Cents (\$341,010.89) from previously certified and available Free Cash, Four Thousand, Nine Hundred Fifty-Five Dollars and Fifty-Eight Cents (\$4,955.58) from Library Roof Design Project (#60000-59157), Three Hundred Eighty-Five Dollars and Eighty-Three Cents (\$385.83) from SEBRSD Video Stream Project (#60000-59198), Ten Thousand, Three Dollars and Seventy-Five Cents (\$10,003.75) from Library Roof/Gutter/Drain Project (#60000-59199), One Hundred Eleven Dollars and No Cents (\$111.00) from Library AC Repairs (#60000-59202), Three Hundred Four Dollars and Forty-Two Cents (\$304.42) from Fire Department Cruiser (#60000-59210), Four Hundred Nineteen Dollars and Sixty-Two Cents (\$419.62) from Police Department Copier (#60000-59215), Fifty-Nine Dollars and Sixty-Seven Cents (\$59.67) from the Highway Stainless Steel Spreader (#60000-59221), and Seven Hundred Twenty-Four Dollars and Eighty-Four Cents (\$724.84) from Assessors Copier (#60000-59222);

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
Fire Department	Community-Wide Radio System	\$172,427.00
Highway Department	Fuel Pump Card Reader	\$ 20,000.00
Highway Department	Video Inspection Equipment	\$ 30,000.00
Highway Department	Used Excavator	\$ 35,000.00
Library	Microfilm Reader-Printer	\$ 10,500.00
Town Hall	Main Street Fire Station Garage Doors	\$ 3,000.00
Town Hall	Gas Conversion Engineering Study	\$ 4,000.00
Town Hall	Stair Tread Resurfacing	\$ 3,048.60
Utilities & Facilities	Landfill Cap Repairs	\$ <u>80,000.00</u>
Total:		\$357,975.60

ARTICLE 19

The Moderator declared a majority vote that the Town appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) for Water Department capital projects, as approved by the Capital Improvements Planning Committee (CIPC), as generally illustrated below and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund;

1. \$150,000.00 for Capital Efficiency Plan

ARTICLE 20

The Moderator declared a majority vote that the Town appropriate the sum of One Hundred Five Thousand Dollars and No Cents (\$105,000.00) for Sewer Department capital projects, as approved by the Capital Improvements Planning Committee (CIPC), as generally illustrated below and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund, as shown below:

1. \$40,000 for repairs to influent screw pump P-12;
- 2.
3. \$35,000 for repairs to grit pump GP-1 and RAS pumps P-6 & P-7; and
- 4.
5. \$30,000 to purchase video inspection equipment;

ARTICLE 21

The Moderator declared a two-thirds vote of 125 in favor and 4 opposed that the Town appropriate the sum of Three Thousand Dollars and No Cents (\$3,000.00) for the purposes of supporting an Agriculture Preservation Restriction Application for what is known as the “Small Farm” located at Wire Village Road and North Spencer Road, and to meet said appropriation by transferring said sum from the Land Acquisition Stabilization Account (#83000-39920).

ARTICLE 22

The Moderator declared a majority vote that the Town amend Article 16 of the Town’s General Bylaws, entitled “Sex Offender Residency Bylaw,” as follows:

1. In Section 1, Definition of Terms, under (i), “CAMP”, insert the words “a camp” after “advertised as”.

2. In Section 5, Exceptions, under (d), replace “The school day care center, park, elderly housing facility”, with the following: “The school day care center, park, camp, privately owned park/trust, elderly housing facility, public library, or place of worship.”

ARTICLE 23

The Moderator declared a unanimous vote that the Town grant a permanent utility easement to Massachusetts Electric Company on property off West Main Street, Spencer, MA, being the location of the Waste Water Treatment Plant, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

ARTICLE 24

The Moderator declared a unanimous vote that the Town accept a permanent drainage easement from Robert and Diane Muir on their property located at 62 Thompson Pond Road, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

ARTICLE 25

The Moderator declared a unanimous vote that the Town accept a permanent drainage easement from Mark B. Campbell on property located at 126 North Spencer Road, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

ARTICLE 26

The Moderator declared a unanimous vote that the Town accept a permanent drainage easement from Bernard Dube on property located at 90 Maple Street, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

ARTICLE 27

The Moderator declared a unanimous vote that the Town accept a permanent drainage easement from Robert Moschini on property located at 30 Howe Road, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town.

ARTICLE 28

The Moderator declared a majority vote that the Town, in accordance with M.G.L. Chapter 59, §38H authorize the Board of Selectmen to enter into a Payment In Lieu of Taxes (PILOT) Agreement with GLC – (MA) Assumption College, LLC, for a period of twenty (20) years, and to approve said agreement under which GLC – (MA) Assumption College, LLC will pay the Town a sum of money per year relative to a parcel totaling 21.7 acres+/- of land located at 115 Wilson Street, Spencer, related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 2.5 megawatts, said Tax Agreement is on file in the Town Clerk's Office and the Assessors' Office.

ARTICLE 29

The Moderator declared motion to amend Article 29 changing the date of the moratorium to terminate on December 31, 2013 by Michael Malone and seconded by James Whalen to be defeated.

The Moderator declared a two thirds majority vote of 125 in favor and 4 opposed that the Town amend the Town's Zoning Bylaw by adding a new Section 4.8.8, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS as follows:

4.8.8 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

- A. Purpose. By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the Massachusetts Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of

such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

- B. Definition. “Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”
- C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

ARTICLE 30

The Moderator declared a majority vote to pass over this article to amend the Town’s Zoning Bylaw by amending Sections 2.2 (Definitions) and 4.2 (Use Table, Principal Uses) and by adding a new Section 4.8.8. MEDICAL MARIJUANA TREATMENT CENTERS as follows:

1) *Amend Section 2.2, Definitions, by inserting the following definition in alphabetical order*

MEDICAL MARIJUANA TREATMENT CENTER: a not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

2) *Amend Section 4.2.H., Other Principal Uses, by inserting a new use #5, as shown below:*

ZONING DISTRICTS		RR	SR	L R	VR	TC	C	I
5	Medical Marijuana Treatment Center	N	N	N	N	N	SP	SP

3) *Insert a new Section 4.8.8, as follows:*

4.8.8 Medical Marijuana Treatment Centers

- A. Purpose and Intent. 1) To provide for the limited establishment of Medical Marijuana Treatment Centers in appropriate places; 2) to minimize the adverse impacts of Medical Marijuana Treatment Centers on residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities; and 3) to limit the overall number of Medical Marijuana Treatment Centers in the Town to what is essential to serve the public.
- B. Requirements. Medical Marijuana Treatment Centers are permitted by special permit provided:
1. The parcel upon which it is located is at least 400 feet from any residential zoning district or town boundary and at least 1,000 feet from any school, childcare facility, public playground, public park, or recreational facility, library, church or other religious use, or any other medical marijuana treatment center.
 2. Under no circumstances shall a medical marijuana treatment center be permitted as a home business, customary home occupation, or home-based contractor.

ARTICLE 31

By Petition

A motion made by Patrick Gallant, seconded by Michael Meloche that the Town take by eminent domain easements for the sewer lines presently existing off Bixby Road and running over the land of Misty

Hill Estates Condominium and Patrick J. Gallant. The sewer easements to be taken are shown as Easement B and Easement A on the attached plan entitled Easement Plan dated October 25, 2011 prepared by Fancy Land Surveying; and further to see if the Town will vote to raise and appropriate \$50,000.00 to meet all expenses of said eminent domain takings including compensation, engineering costs, survey costs, legal fees, recording costs, acquisition costs and any other costs ***was declared defeated by the Moderator.***

A motion was made to dissolve the Meeting.

Majority voted at 11:05 p.m. to dissolve this Meeting.

311 registered voters attended.

Laura J. Torti

Town Clerk